



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 19 2019

CERTIFIED MAIL 7017 1450 0000 7913 0490
RETURN RECEIPT REQUESTED

The Honorable Chokwe A. Lumumba
Mayor of Jackson
219 South President Street
Jackson, Mississippi 39205

Re: Compliance with the Federal Consent Decree Regarding the City of Jackson's Sewage and Wastewater Treatment System, Civil Action No. 3:12-cv-790-TSL-JMR

Dear Mayor Lumumba:

Thank you for meeting with us on March 9, 2019 (Meeting), to discuss Consent Decree (CD) compliance and for your March 15, 2019 letter detailing specific commitments Jackson makes to the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality (MDEQ).

The EPA and the MDEQ appreciate Jackson's candor in discussing its difficulties achieving compliance with the CD, the Clean Water Act (CWA), and the Mississippi Air and Water Pollution Control Law. Nonetheless, we are very concerned that Jackson has effectively suspended almost all CD program management activities and rehabilitation of its Wastewater Collection and Transmission System (WCTS) and has yet to undertake many basic requirements of the CD. Given Jackson's past noncompliance with the CD and its present inability to implement most CD-required program management activities and WCTS rehabilitation, the EPA and the MDEQ believe a status update to the United States District Court for the Southern District of Mississippi is necessary.

Among the requests made at the Meeting and in your March 15, 2019 letter, Jackson seeks "a 2-year reprieve during FY19 and FY20 from the expectations ... that the City is fully implementing the current Consent Decree and the City's exposure to stipulated penalties." Please provide, within 30 days of receipt of this letter, detailed financial information so that the EPA and the MDEQ can evaluate the City's ability to comply with its obligations under the CD. As a signatory to the CD, the City of Jackson is liable for all obligations under the CD, including the Compliance Requirements in Section VI. Additionally, as you may be aware, material changes to the CD, including an extension of the schedule, would require court approval.

While the EPA and the MDEQ continue to review Jackson's requests, we expect Jackson to take immediate measures that will have a direct impact on human health and the integrity of its sanitary sewer system, including, but not limited to, adequately tracking and responding to Sanitary Sewer Overflows (SSOs), eliminating SSOs caused by the discharge of sludge from Jackson's drinking water system into its wastewater system, and implementing Jackson's Fats, Oils and Grease (FOG) Control

Program. Until such time as the City is fully implementing all terms of the CD, the EPA and the MDEQ request that Jackson provide a weekly status update on these activities and on its efforts to address the Department of Public Works' (DPW) billing and collection problems. However, compliance with the foregoing in no way relieves Jackson of its obligation to comply with all provisions of the CD.

The EPA also notes that the DPW failed to submit both its short- and long-term financial models and its checklists showing the status of all Management, Operations, and Maintenance (MOM) programs to the EPA and the MDEQ by the dates agreed upon at the Meeting. The DPW's short-term financial model is still outstanding and must be submitted immediately. Jackson and the DPW must ensure the timeliness of all future submissions during our ongoing CD discussions.

If you have any questions, please contact me at (404) 562-8979 or gettle.jeanneanne@epa.gov, or the Water Protection Division Deputy Director, Mr. Cesar Zapata, at (404) 562-9744 or zapata.cesar@epa.gov. For legal inquiries, please have your attorneys contact Nathan Stopper, EPA Associate Regional Counsel, at 404 (562)-9581 or stopper.nathan@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeaneanne M. Gettle", is positioned above the printed name and title.

Jeaneanne M. Gettle, Director
Water Protection Division

cc: Mr. Terry Williamson
Department of Public Works, City of Jackson

Mr. Robert Miller
Department of Public Works, City of Jackson

Ms. Susan Richardson
Kilpatrick Townsend & Stockton LLP

Mr. Tim Aultman
Mississippi Department of Environmental Quality

Ms. Gretchen Zmitrovich
Mississippi Department of Environmental Quality

Mr. Karl Fingerhood
U.S. Department of Justice